

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In Re	:	
	:	
MICHAEL L. BOWERS,	:	Case No. 06-11777-RGM
	:	Chapter 13
Debtor	:	
<hr style="width: 30%; margin-left: 0;"/>	:	
	:	
W. CLARKSON MCDOW, JR.	:	
UNITED STATES TRUSTEE	:	
FOR REGION FOUR,	:	
	:	
PLAINTIFF	:	
	:	
vs.	:	Adversary Proceeding
	:	No. _____
MICHAEL L. BOWERS,	:	
	:	
DEFENDANT	:	

**COMPLAINT OF THE UNITED STATES TRUSTEE OBJECTING TO DISCHARGE
OF DEBTOR PURSUANT TO 11 U.S.C. §1328(f)(1)**

Comes now the United States Trustee, by and through his counsel, and, files this complaint, pursuant to 11 U.S.C. §1328(f)(1) objecting to the discharge of Michael L. Bowers, the debtor herein. In support of this complaint the following representations are made:

JURISDICTION AND VENUE

1. This complaint is filed pursuant to 11 U.S.C. §1328(f)(1) and Fed.R.Bank.P.7001(4). This Court has jurisdiction to hear this matter under 28 U.S.C. §§157(a) and 1334. Venue is proper

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under 28 U.S.C. §1409(a). This is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (J). The United States Trustee has standing to be heard under 11 U.S.C. §307.

THE PARTIES

2. W. Clarkson McDow, Jr. is the United States Trustee for Region Four, duly appointed under 28 U.S.C. §581(a)(4).

3. Michael L. Bowers (“defendant”) is an individual who resides at 504 Potomac Hills Drive, Stafford, VA 22554.

FACTUAL BACKGROUND

4. The defendant commenced the underlying bankruptcy case by filing a voluntary Chapter 13 petition on December 19, 2006.

5. Defendant previously filed a petition for relief under Chapter 7 of the Bankruptcy Code on June 7, 2004 at Case No. 04-12480-RGM.

6. On September 20, 2004, the defendant received a discharge in Case No. 04-12480-RGM.

CAUSE OF ACTION

7. Paragraphs 1 through 6 are hereby incorporated by reference as if fully stated herein.

8. Pursuant to 11 U.S.C. §1328(f)(1), a debtor may not receive a discharge under Chapter 13 of the Bankruptcy Code if he was granted a Chapter 7 discharge in a case filed during the four-year period preceding her Chapter 13 filing.

9. The defendant initiated this Chapter 13 case within four years of the date he commenced Case No. 04-12480-RGM. Accordingly, the defendant is not entitled to receive a discharge in this case.

RELIEF REQUESTED

WHEREFORE, in consideration of the foregoing, the United States Trustee respectfully requests an order denying the defendant a discharge pursuant to 11 U.S.C. §1328(f)(1), and such other and further relief as this Court deems just and proper.

Respectfully submitted,
W. CLARKSON MCDOW, JR.
United States Trustee
Region Four

Dated: December 21, 2006

By /s/ Dennis J. Early
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